

Message

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Sent: 2/9/2018 3:59:43 PM
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Subject: News Articles (For EPA Distribution Only)

BNA DAILY ENVIRONMENT REPORT ARTICLES

Access is temporarily unavailable as EPA works through the contract renewal process.

INSIDEEPA.COM ARTICLES

EPA Claims 'Proportional' TSCA Fees Rule But EDF Faults Cost Estimates

EPA has issued a proposed rule allowing the agency to collect industry fees to help defray costs of implementing aspects of the revised Toxic Substances Control Act (TSCA), claiming to have answered industry calls for fees that are proportional to the agency's costs, though an environmentalist says EPA is underestimating those costs.

EPA Region 9 Braces For FY18 Staff Cuts Despite Congress' Budget Deal

Staff in EPA Region 9 are bracing for a 10 percent personnel reduction by the end of fiscal year 2018 that could have an uneven impact on divisions within the region, according to sources who express concern that the target, reflecting a goal from EPA headquarters, is also moving ahead with little written justification or documentation.

FY17 Enforcement Results Signal Drop In EPA Inspections, Investigations

EPA's enforcement results for fiscal year 2017 -- covering the last few months of the Obama administration and the first nine months of the Trump administration -- show a significant decrease in facility inspections and evaluations, civil investigations and criminal environmental cases opened compared to the agency's FY16 results.

GREENWIRE ARTICLES

House GOP confident on averting shutdown

George Cahlink and Kellie Lunney, E&E News reporters

Published: Thursday, February 8, 2018



House Majority Whip Steve Scalise (R-La.), shown here at the National Prayer Breakfast this morning, said he is confident the lower chamber will pass a spending deal later today after the Senate acts. C-SPAN

Top House Republicans today expressed confidence the chamber would avoid a government shutdown and approve the landmark budget deal struck this week, despite grumbling from members of both parties over what's in and what's not in the bill.

House Republican Whip Steve Scalise (R-La.) said this morning that he was feeling "pretty good" about the prospects for passing the spending bill late today once the Senate acts.

<https://www.eenews.net/greenwire/2018/02/08/stories/1060073325>

EPA proposes steeper assessment fees

Corbin Hiar, E&E News reporter

Published: Thursday, February 8, 2018



U.S. EPA has proposed dramatically increasing the fees it charges chemical companies to evaluate the safety of their products. [herjua/iStock](#)

U.S. EPA today unveiled a proposal to dramatically increase the fees it charges chemical companies to evaluate the safety of their products.

The [draft rule](#) was required by the Frank R. Lautenberg Chemical Safety for the 21st Century Act, the bipartisan overhaul to EPA's toxics program that was signed into law in June 2016.

Those Toxic Substances Control Act (TSCA) amendments ordered the agency to establish fees by Oct. 1, when fiscal 2019 begins. Those fees must cover 25 percent of its activities implementing the Lautenberg law or \$25 million, whichever is lower. The TSCA overhaul also called for small businesses to get a break on fees.

EPA's proposal would raise just over \$20 million a year from chemical manufacturers, importers and processors of all sizes. Small businesses, defined as companies with average annual sales of less than \$91 million in the three preceding years, would provide \$3.2 million of that total.

<https://www.eenews.net/greenwire/2018/02/08/stories/1060073311>

CHEMICAL WATCH ARTICLES

Echa MSC backs proposal to add seven SVHCs to authorisation list

7 February 2018 / Alternatives assessment & substitution, CMRs, Europe, Persistent, bioaccumulative & toxic, REACH

Echa's Member State Committee has backed the agency's [proposal](#) recommending seven substances of very high concern be added to REACH Annex XIV – the authorisation list.

The substances are:

- 5-sec-butyl-2-(2,4-dimethylcyclohex-3-en-1-yl)-5-methyl-1,3-dioxane [1], 5-sec-butyl-2-(4,6-dimethylcyclohex-3-en-1-yl)-5-methyl-1,3-dioxane [2];
- 2-(2H-benzotriazol-2-yl)-4,6-ditertpentylphenol (UV-328);
- 2,4-di-tert-butyl-6-(5-chlorobenzotriazol-2-yl)phenol (UV-327);
- 2-(2H-benzotriazol-2-yl)-4-(tert-butyl)-6-(sec-butyl)phenol (UV-350);
- 2-benzotriazol-2-yl-4,6-di-tert-butylphenol (UV-320);
- 1-methyl-2-pyrrolidone (NMP); and
- 1,2-benzenedicarboxylic acid, di-C6-10-alkyl esters; 1,2-benzenedicarboxylic acid, mixed decyl and hexyl and octyl diesters with $\geq 0.3\%$ of dihexyl phthalate (EC No. 201-559-5).

The first five substances have persistent, bioaccumulative and toxic (PBT) and/or very persistent and very bioaccumulative (vPvB) properties. The last two are suspected of being toxic for reproduction.

The MSC adopted its opinion on 11 December 2017. It had considered comments from a public consultation on the draft recommendation between March and June last year, Echa said in a press release.

The final decision on the inclusion of the substances in the authorisation list, and on the dates by which companies will need to apply for authorisation, will be taken by the European Commission in collaboration with member states and the European Parliament, Echa said.

Related Articles

- [Echa recommends seven SVHCs for REACH Annex XIV](#)

Further Information:

- [List of substances](#)

China overhauls severely restricted toxic chemicals import/export listings

Rules now refer to international conventions



China's Ministry of Environmental Protection (MEP) has incorporated several international conventions into how it manages its listings of severely restricted toxic chemicals for import/export.

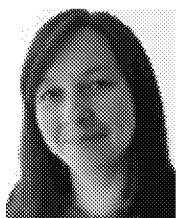
The previous *Catalogue of severely restricted chemicals for import/export*, which contained around 150 substances, has been abolished.

In effect, it has been replaced by referring to three major international conventions on chemical control instead:

- the Stockholm Convention on persistent organic pollutants (POPs) and its amendments;
- the Minamata Convention on Mercury; and
- the Rotterdam Convention.

The change came in an announcement on 1 January and was applied with immediate effect.

More available on [CW+ AsiaHub](#)



Ellen Tatham

Asia reporter

Related Articles

- [China announces mercury timetable, applying Minamata Convention](#)
- [China overhauls severely restricted toxic chemicals import/export list](#)

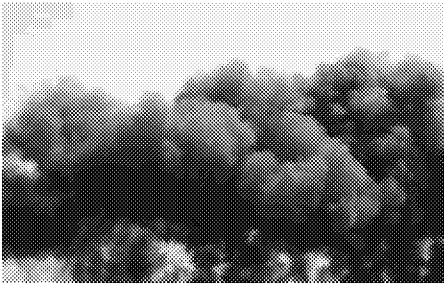
Further Information:

- [Notice \(in Chinese\)](#)
- [Catalogue of Severely Restricted Chemicals \(in Chinese\)](#)
- [Catalogue of Severely Restricted Chemicals \(in English\)](#)

EU smoke toxicity study questions legislative approach

Study examines role and action of flame retardants

8 February 2018 / Europe, Risk assessment



A European Commission study aimed at evaluating the need to regulate on the toxicity of smoke generated by construction products during a fire has questioned the usefulness of a legislative approach.

The study – conducted by consultancies BRE, Ecorys and Vito on behalf of DG Grow – worked within the context of the EU's 2011 construction products Regulation (CPR).

Published in January, the study took the form of a literature review along with additional data collected from "fire safety professionals, scientists and the main CPR actors and stakeholders".

The role and action of flame retardants were of particular interest to the researchers.

Findings

Among its findings, the report says: "Responses indicate that interviewees believe there would be limited benefits from regulating specifically for the toxicity of smoke from construction products."

And some of those interviewed said there could be greater benefits if the flammability of furnishings and fittings was addressed across all member states.

The study's other findings included:

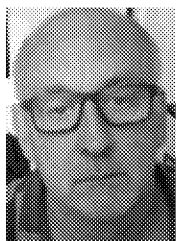
- there was no consensus that regulation of toxicity of smoke from construction products is required. However, "if the case for regulation were proven, then an agreed European system for testing and classification, with regulations and requirements at national level is favoured";
- member states recognise that all smoke is toxic and already have a raft of regulations for the protection of occupants;
- the type and format of data collected varies across member states, and statistics on smoke toxicity are not collected. As a consequence the effectiveness of potential measures cannot be assessed;
- the researchers received many comments questioning the usefulness of singling out construction products; and
- general agreement that regulation of the smoke toxicity of construction products could increase costs, and potentially remove some from the market. It was also agreed a regulation could drive the improvement and developments of new products.

A Commission spokesperson told Chemical Watch: "If legislation related to the toxicity of smoke in building fires were considered appropriate, the report suggests that it would need to be part of a holistic approach.

"Measures would need to address not only the construction products, but also the building contents."

A recent [research project](#) in the UK sparked controversy with claims that flame retardant chemicals in furniture increase the toxicity of smoke when burning more than they reduce fire growth rate. The claims were challenged by an industry body.

The Commission is "carefully examining the results of the study in order to decide on any further steps," the spokesperson added.



Nick Hazlewood

News editor

Related Articles

- [Questions asked about smoke toxicity study](#)

Further Information:

- [Commission report](#)

Danish test finds SVHC in detergent for white laundry

NGO calls for ingredient transparency efforts

8 February 2018 / Cleaning products, Denmark, Product testing



Tests in Denmark on 38 detergents used to wash white laundry have revealed one product containing a substance of very high concern (SVHC) and four with allergenic preservatives.

The work, carried out by the Danish Consumer Council's 'Think Chemicals' initiative, found the SVHC sodium borate in one liquid detergent. The substance is on the REACH candidate list and its classification under the CLP Regulation says it "may damage fertility or the unborn child and causes serious eye irritation".

And the tests found that four other liquid detergents contained benzisothiazolinone, a preservative similar to the very allergenic methylisothiazolinone. Perfume, another cause of allergy, was found in many products.

Twenty-one of the products tested did not contain any harmful chemicals, and none of the detergents in powder form had problematic preservatives.

Labelling

Think Chemicals points out that only some ingredients must be listed on a detergent's packaging. However, the law requires that information on all ingredients should be accessible on a website listed on the label. The organisation says that while many producers make the information available, there are quite a few that are missing or incorrect.

It would also be a benefit for the consumers to have access to the full list without consulting a website, it says.

The Think Chemicals programme carries out independent testing of products, aimed at helping consumers avoid chemicals of concern.

NGOs are urging the European Commission to implement bans on several substances used in detergents. In comments to the Commission's consultation on the detergents Regulation, they have asked for a restriction on the use of substances listed as contact allergens in humans.

The Commission has also been asked to align labelling requirements for allergenic fragrance substances and preservatives with the CLP Regulation.



Clelia Oziel

Reporter

Related Articles

- [NGOs urge EU ban on substances in detergents](#)
- [EU Commission consults on detergents Regulation](#)

Further Information:

- [Think Chemicals](#)

California to list TRIM® VX as a carcinogen under Prop 65

8 February 2018 / California Prop 65, United States

California's Office of Environmental Health Hazard Assessment (Oehha) plans to list TRIM® VX as a carcinogen under Proposition 65.

The California law requires manufacturers and retailers to warn workers and consumers exposed to chemicals on the list.

TRIM® VX is a metalworking fluid used as a lubricant and coolant liquid for cleaning tools and parts during cutting, drilling, milling and grinding.

The action is being proposed under the "authoritative bodies" listing mechanism, based on findings of a 2016 National Toxicology Program (NTP) report on TRIM® VX that concluded the chemical causes cancer.

Oehha will accept comments until 26 February.



Frank Zaworski

Reporter

Further Information:

- [Proposition 65 listing notice](#)

UK study raises fears about chemicals in secondhand toys

But toy industry says risk is low

8 February 2018 / Children's products, Metals, Toy safety directive, United Kingdom



The toy industry has assured consumers that risk from chemicals in secondhand plastic toys is low, following a study in the UK that revealed the presence of hazardous elements.

Research carried out at the University of Plymouth tested 200 toys from schools, charity shops and family homes for the presence of: antimony; arsenic; barium; cadmium; chromium; lead; mercury; selenium; and bromine (as a proxy for brominated flame retardants).

Every element was detected in more than 20 toys or components, with the exception of arsenic, mercury and selenium. The greatest concerns for potential exposure, were the frequent occurrences of bromine, cadmium and lead.

A sample on components of 26 toys found eight occurrences did not comply with migration limits for cadmium and lead set by the EU's toy safety Directive. Two further cases contained potentially non-compliant migratable chromium.

Report author, Andrew Turner, said secondhand products were acting "as a conduit for exposing 'legacy' chemicals to the current generation of young children".

And he warned consumers should "be aware of the potential risks associated with small, mouthable, and brightly coloured (and in particular red and yellow) old plastic toys or components".

Dr Turner also said the study found evidence for the occurrence of historical brominated flame retardants in some neutrally coloured secondhand toys, which he said "is part of a broader and more complex issue concerning the recycling of electronic plastic waste and one that warrants further study".

Responding to the study, the British Toy and Hobby Association issued a statement saying risk from secondhand toys "should be considered low and should not alarm parents unduly."

"Any assessment of older products needs to be conducted in line with the actual legislation using the correct standards and methods, which must be followed by a risk assessment on a case by case basis, considering real life exposure."

Game counters, beads and old Lego concern

After examining a number of secondhand products, the study found "co-associations of multiple elements exceeding their respective limit values" in:

- two types of bead – antimony, bromine, cadmium and lead;
- a number of old Lego bricks – cadmium and selenium, or cadmium and antimony;
- a small games mat – barium and lead;
- various games counters – cadmium and selenium – and figures – cadmium and lead; and
- the plastic bowl of a bell – chromium and antimony.

The study raised concerns about red and yellow Lego bricks from the 1970s, which it says contained the highest levels of cadmium of the toy studies.

This is probably because of the introduction of acrylonitrile butadiene styrene (ABS) at that time, the study says.

"Given their popularity, durability, collectability and compatibility with newer products, older, ABS-based Lego sets, and in particular those containing brightly-coloured pieces, should be treated with caution," it says.

A Lego spokesperson said the company has always applied the highest toy safety standards of the time that the toys were made and no cadmium-based pigments had been used in Lego bricks since 1981.

"We have had independent toxicology review of the safety of old Lego bricks which found no cause for concern for children playing with bricks which are more than 40 years old as long as they are in good shape and condition," they said.

Enforcement action

A spokesperson for the European Commission said: "Since the knowledge about the toxicity of chemicals is continuously increasing and limit values in the toy safety Directive are strengthened accordingly, it appears plausible that toys of the 1970s and 1980s may not comply with today's strict Directive.

"It should be noted that the first toy safety Directive was adopted in 1988."

The spokesperson added that all toys placed on the market are covered by the Directive, whether secondhand or not, and member state authorities need to take enforcement action against non-compliant toys when identified.

However the spokesperson added that authorities could not prohibit toys which were not put on the market – such as those handed down in families.

Mark Gardiner, Chartered Trading Standards Institute lead officer for product safety, said: "Local trading standards services would not have the resources to test old toys. If parents are concerned then the advice would be to take them away."

An awareness raising campaign could be helpful for parents, says Michael Warhurst, of the UK NGO CHEM Trust.

"It might be possible to give advice on certain types of toys that are problematic. Some sort of guidance and national coordination would be useful," he said.

"This shows why the regulators need to be moving much faster in assessing and restricting chemicals. The slower we are the greater volume of unsafe chemicals on the market."



Tammy Lovell

Business reporter

Related Articles

- [EU sets out actions to tackle hazardous substances in waste, products](#)
- [REACH enforcement project finds phthalates in toys a 'big problem'](#)

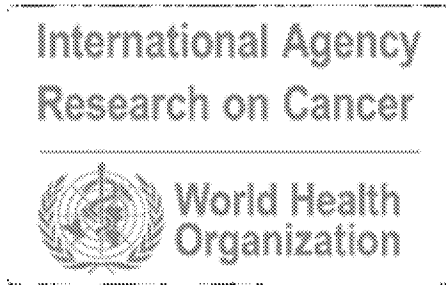
Further Information:

- [University of Plymouth study](#)

Critics and defenders of cancer research agency spar at US hearing

Lawmakers again question IARC's funding

8 February 2018 / United States



Republican lawmakers have renewed their attack on the International Agency on the Research for Cancer at a 6 February [hearing](#) on Capitol Hill.

The hearing focused on claims of data manipulation in the monograph programme's assessment of the herbicide glyphosate. But IARC's work has wide implications. In the US, substances it lists as carcinogens are also listed as such under California's Proposition 65. This requires manufacturers and retailers to warn workers and consumers exposed to them.

Representative Lamar Smith (R-Texas), Chairman of the House Committee on Science, Space & Technology, said at the hearing that the organisation's "selective use of data and the lack of public disclosure raise questions about why IARC should receive any government funding in the future".

In [December](#) three Republican Representatives threatened to pull US financial support for the agency.

However, Representative Suzanne Bonamici (D-Oregon) presented IARC's defence to the latest hearing. Submitted in a document to the committee in January, this argued that the controversy over glyphosate is emblematic of industry efforts to attack independent scientists.

"It is important that we review the methods and tactics that industry has used to influence this administration and attack independent scientific organisations," Ms Bonamici said. "We must make sure any chemical review is not undone by undue industry influence or misleading scientific studies."

And Jennifer Sass, senior scientist, Natural Resources Defense Council, told the committee: "Fundamentally, this hearing is about the ability of a public health agency to call a carcinogen a carcinogen, even if it makes a huge amount of money for a powerful corporation."

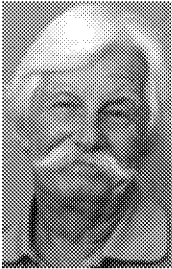
"IARC monographs are considered essential for informing cancer prevention strategies and effective public health decision making around the world," she said. "Are we willing to sell out the public's right to know about harmful chemicals in the places we work, live and play, just so that Monsanto Company can sell more glyphosate?"

The American Chemistry Council's [Campaign for Accuracy in Public Health Research](#) (CAPHR) applauded the House committee's move to examine what it called IARC's "severely flawed cancer hazard evaluation programme".

"We have serious concerns with the programme's lack of scientific integrity and transparency in developing monographs," said Cal Dooley, ACC President and CEO. "Our goal is to reform and update the IARC monographs programme to bring it into the 21st century and restore public trust."

"This will require IARC to increase transparency in its processes for choosing experts, involving stakeholders, and selecting and analysing studies. IARC monographs should be subjected to robust independent peer review, a procedure that is inexplicably lacking at the present time."

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Frank Zaworski

Reporter

Related Articles

- [Industry, lawmakers step up IARC monograph campaign in US](#)
- [Lawmakers threaten to pull US IARC funding](#)
- [Industry, lawmakers step up IARC monograph campaign in US](#)

Further Information:

- [Hearing recording and witness statements](#)
- [IARC statement](#)

EU notifies distributors of post-Brexit 'importer' status

8 February 2018 / Europe, United Kingdom

The European Commission has notified members of the industrial products supply chain about a change to the status of EU distributors selling products shipped from the UK, once the country leaves the Union.

Companies in the EU27 currently defined as 'distributors' under EU legislation and which receive goods from a manufacturer or importer in the UK will, from the UK withdrawal date – and subject to any transitional arrangements – become the 'importer' instead, and so will assume importer legal obligations.

Alternatively, the Commission says, the UK company can appoint a EU27-based authorised representative to be responsible for compliance information.

Also, UK notified bodies – those which check a product conforms with EU rules – will lose their status as EU notified bodies and will be removed from the Commission's database. They will no longer be permitted to conduct conformity assessments, the EU executive adds.

The notice applies to legislation including:

- Directive on the Restriction of Hazardous Substances (RoHS) in electrical and electronic equipment (EEE);
- toy safety Directive;
- cosmetics products Regulation;
- medical devices Regulation; and
- construction products Regulation.

Echa has also updated its Brexit webpage with advice addressing importer and only representative status.

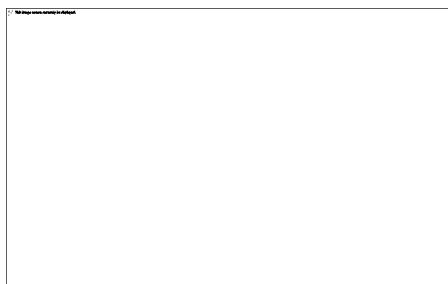
Further Information:

- [Commission notice](#)
- [Echa Brexit webpage advice](#)

Data collection, evaluation criteria seen as key TSCA prioritisation issues

Industry, NGOs also differ on "low priority" chemicals

8 February 2018 / Canada, Classification, TSCA, United States



Data collection and evaluation criteria have emerged as key issues as the US EPA deliberates on how it will identify candidate chemicals for prioritisation.

In its [prioritisation rule](#), finalised last June, the agency dropped a "pre-prioritisation" step for gathering data on candidates before chemicals enter the formal process that leads to a designation of "low" or "high" priority substance that will undergo risk evaluation.

The EPA then initiated a consultation on how to progress the prioritisation rule that included a December [public meeting](#).

Comments submitted since that meeting have thrown up disagreements between industry and NGOs in several areas.

Data collection

One area of sharp disagreement is how and when the EPA should gather data.

Industry groups want to rely as much as possible on existing data and voluntary submissions. The American Chemistry Council (ACC) suggested a "tiered" approach in which the agency first gathers "reasonably available information," then calls for voluntary submissions and issues data collection orders only after those avenues are exhausted.

NGOs say the EPA should use its data collection authority early in the pre-prioritisation process. The agency should issue information collection regulations under section 8 of TSCA and orders for testing under section 4 "on a routine basis as part of the process leading up to prioritisation," the Environmental Defense Fund (EDF) wrote.

Work plan changes

The issue of work plan chemicals was another area where industry and NGOs don't see eye to eye.

The process for identifying work plan chemicals under the old TSCA whittled down candidates in stages, based on scoring for hazard, exposure and persistence. The new TSCA requires the EPA to take at least half of high priority substances from the 2014 work plan list.

Stakeholders agree that the work plan process should be the basis for pre-prioritisation, and that newly available data should be incorporated.

But some NGOs argue that the EPA should incorporate additional criteria, especially responding to the new TSCA's mandates to consider exposure of "sensitive populations."

Safer Chemicals Healthy Families, for example, suggested adding additional hazard end-points, such as:

- chronic toxicity;
- acute toxicity;
- neurotoxicity;
- immunotoxicity; and
- endocrine effects.

It also suggested adding "triggers based on reported eco-toxicity values."

The ACC urged the EPA to amend criteria for "persistent, bioaccumulative and toxic" substances, as it did in separate comments on plans for mandated rapid action on five such substances. But NGOs reject this, arguing the existing criteria are widely accepted and attacking the ACC's proposed substitute, based on a 2008 industry funded workshop.

Industry groups said the EPA should clearly specify its scoring criteria, and ensure that stakeholders know which chemicals are being considered for prioritisation at a given time so they can offer input.

Canada

Many industry groups argue that the EPA should adopt processes and conclusions from Canada's Chemical Management Plan, possibly even deeming "low priority" all chemicals that Canada has determined do not warrant further investigation.

NGOs say the CMP does not meet TSCA requirements, noting that it didn't consider worker exposure or proximity to drinking water, and it assigned low priority to low-volume. NGOs also attacked Canadian data collection; the Natural Resource Defense Council said more than 90% of its ecological data was based on models.

"Because of the Canadian law's aggressive timeline, Canadian officials had to make do with whatever information they already had or could develop rapidly through predictive models," the EDF said.

"As a result, despite what the chemical industry frequently asserts, chemicals not found to meet the categorisation criteria cannot be characterized as affirmatively low-priority."

Low priority chemicals

Industry groups applauded the EPA's intention, as stated in a [discussion document](#) ahead of the December meeting, to identify more "low priority" chemicals than TSCA requires. They argue that clearing chemicals not needing risk evaluation allows rapid progress, increasing public confidence.

"Identifying a substantial number of low-priority chemicals is likely to become the primary indicator of the success of the TSCA programme," wrote the Society of Chemical Manufacturers and Affiliates (Socma).

But environmental groups say resources should be focused on high priority chemicals and relatively few should qualify as "low priority."

Because TSCA requires that any chemical that may pose an "unreasonable risk" be designated high priority, the EPA must be "very confident that a chemical does not present any potential hazard or potential exposure concerns before it can designated as low priority," wrote Melanie Benesh, legislative attorney at the Environmental Working Group (EWG).

"Most importantly, the law is very clear that EPA can only make low-priority designations on chemicals that are data rich."

Related Articles

- [NGOs, Democrats decry 'weakened' TSCA framework rules](#)
- [TSCA: work plan process likely to be basis for chemical prioritisation](#)
- [US EPA seeks REACH data for work plan chemicals](#)
- [ACC urges EPA to update persistent, bioaccumulative and toxic criteria](#)
- [US NGOs urge EPA: ban five PBT substances immediately](#)
- [US EPA seeks input on methods for prioritising chemicals under TSCA](#)

Further Information:

- [Prioritisation comment docket](#)
- [Discussion document](#)

Brazilian RoHS could prove 'difficult for small suppliers'

More details about implementation needed, says EEE trade group

8 February 2018 / Brazil, Electrical & electronics



Small suppliers may struggle to comply with Brazil's proposed policy covering hazardous substances in electrical and electronic equipment (EEE), according to an industry trade association.

The Brazilian government began a consultation on proposals for a regulation similar to the EU's RoHS directive in EEE in December last year.

Vanderlei Niehues, technical advisor for Brazil's association of manufacturers of electronic products, Eletros, and president of the association of recycling of electrical and electronic appliances, Abree, said that small suppliers of components, may struggle to reach compliance with the new Regulation, because of a lack of capital and technical expertise.

"They don't have the capability or money to invest in the process to change materials. In some cases they don't have the technical knowledge about those materials and their raw materials," he told Chemical Watch.

Implementation time

A partnership between large international companies and their suppliers is necessary to help the latter find options for material and process improvements, he said. However work has not started on this because it is not known when the Regulation will come into effect.

"We are going to create a team inside Eletros and Abree, to do cross-product work, define the work streams and move this agenda forward, but we haven't yet started, because we don't have a clear time frame of implementation," Mr Niehues who, is also director of sustainability and regulatory affairs for Whirlpool Latin America, said.

He said that companies are usually given one year to achieve compliance with new Regulations in Brazil, but small companies may need more time.

"One year could be OK for some companies, but not others – especially small ones that don't have all the capabilities in-house," he said. "For those, we probably need two years for them to be compliant and do all the component and material changes."

Quality system

Mr Niehues also raised the issue of how the new Regulation would be enforced. He said it was unclear how the government would ensure that all companies complied and there needed to be a quality assurance system.

"Unfortunately in Brazil, a new legislation isn't a 100% guarantee that all companies will comply. Instruments need to be embedded in this legislation in a way that it is for everyone and there are no free riders."

Overall, he said that Whirlpool, Eletros and Abree supported the Regulation, because Brazil is currently behind the rest of the world and needs to move forward.

Mr Niehues said the new directive was a positive move for Brazil, but needed to be implemented properly.

"I think it's time for us to get this in place. We cannot just adopt the Regulation and say everything is resolved. This is just the beginning of the process. Let's try to help the government create a Regulation which is good for consumers, companies and the country as a whole."

Government response

Thaianne Resende Henriques Fabio, of Brazil's environment ministry (MMA), said the decree was planned for publication by the end of this year, but could not yet confirm a date.

A consultation asking manufacturers, importers and exporters of EEE to provide information about their experience with the EU's RoHS, ended on January 15.

Ms Resende Henriques Fabio, said MMA was currently analysing the consultation responses and after this, would have a clearer picture about the EEE sector in Brazil and timelines for implementation.

She added: "We know that it is more difficult to comply with RoHS for small companies, so we will try to support them."

Regarding compliance, she said MMA had held meetings with other government departments, which will be responsible for carrying out pre-market inspections.

The Brazilian Agency of Telecommunications, Anatel, will carry out inspections for telecommunications products, the Brazilian Health Regulatory Agency, Anvisa, for medical products and the National Institute of Metrology Standardization and Industrial Quality, Inmetro for other consumer products.

Brazil is also developing an industrial chemicals [policy](#), which will include the development of a national chemicals register. In December last year, the government [published](#) comments it received through to a consultation on the plans.



Tammy Lovell

Business reporter

Related Articles

- [Brazil to propose RoHS-like regulation for electronics](#)
- [Brazil maps out plans for industrial chemicals policy](#)
- [Brazil releases comments from chemicals consultation](#)

NGOs call for legally binding global chemicals 'protocol'

Integrate legally binding measure in post-2020 global framework, groups say

8 February 2018 / Europe, Global, Voluntary action



Five European NGOs have called for a legally binding protocol on hazardous chemicals to be considered during discussions on a post-2020 global chemicals framework.

The proposal – set out in a signed letter to the European Commission's DG Environment – comes ahead of tomorrow's EU meeting, which will set out what the region will propose and support at next month's UN gathering on how chemicals should be managed globally after 2020.

It only addresses hazardous chemicals that are not regulated by any of the existing global conventions, such as the UN's Stockholm Convention. This, they say, will avoid duplication.

The signatories are: the Swedish Society for Nature Conservation; Arnika of the Czech Republic; the European Environmental Citizens Organisation (Ecos); the European Environmental Bureau (EEB); and the Health and Environment Alliance (HEAL).

The protocol would ban most hazardous chemicals based on criteria from the Globally Harmonised System (GHS) of classification and labelling of chemicals, which have the following characteristics:

- 1A or 1B carcinogenic, mutagenic or reprotoxic (CMRs) substances;
- 1A and 1B neurotoxic, according to the GHS criteria for single and repeated exposure;
- persistent or very persistent in the environment; and
- bioaccumulative or very bioaccumulative.

The NGOs also want endocrine disruptors included, according to the "best available criteria; such as those from the Danish Ministry of Environment" the letter said.

Other measures of the protocol would be a restriction of the most hazardous chemicals for which there are currently no viable substitutes, full transparency of the substances regulated by the protocol in products and internalisation of costs to companies, in line with the polluters' pay principle.

The voluntary approach

The NGOs propose that the protocol should be integrated into the current voluntary, multi-stakeholder programme, the Strategic Approach to International Chemicals Management (Saicm).

Ahead of the first meeting in Brazil last year, which kicked off discussions on a future framework, a group of Nordic countries set out proposals, one option being a legally binding treaty to replace the current programme. However, the International Council of Chemicals Associations (ICCA) opposed the idea, saying that it would cut off the multi-stakeholder collaboration and flexibility that makes the voluntary framework "unique".

Next month's second meeting, on 12-15 March in Stockholm, is expected to establish a framework 'vision' ready for adoption at the third meeting in 2019.

Justification

Faster adoption of GHS worldwide and the EU's ambitions for a circular economy are two justifications for the NGO proposal. Regarding the former, more than [120 countries](#) are yet to align with GHS. On the latter, they say that at the core of a "safe" circular economy is the need for full transparency on the hazardous chemicals in products and components, including where they are found and their concentrations.

This information, they add, needs to be shared among all stakeholders in product supply chains and throughout the entire lifecycle of the products, including recyclers and those handling waste.

At the core of a "safe" circular economy is the need for full transparency on the hazardous chemicals in products and components, including where they are found and their concentrations"

"Failure to do so, puts a risk of creating hazardous circular economies."

Transparency around chemicals in products has become a hot topic of discussion over the last few years. Speaking at Chemical Watch's Copenhagen chemicals summit in 2016, Ake Bergman, executive director of the Swetox Research Center said that government spending, to identify chemicals of concern, could be significantly reduced if companies provided [full disclosure](#) of substances in materials and products.

And these calls are being heard, with retailers and brands in the household cleaning and personal care sectors taking major [steps](#) towards public ingredient disclosure in 2017.

Forming part of the EU's circular economy action plan, the European Commission last month published a series of planned [actions](#) and proposed options to combat the problem of substances of concern in products and waste.

Saicm

Saicm is not a legally binding treaty like the Basel, Rotterdam, Stockholm and Minamata Conventions. It instead acts as a policy framework to be taken up voluntarily by countries, industries and other stakeholders. It aims to achieve the sound management of chemicals by the year 2020, ensuring that chemicals are produced and used in ways that minimise significant adverse impacts on the environment and human health.

However, it is widely agreed that this goal will not be achieved and so the Saicm secretariat has organised a set of meetings – known as the intersessional process – that aim to establish a framework to move forward after 2020.



Leigh Stringer

Global Business Editor

Related Articles

- [Nordic countries propose post-2020 global chemicals framework](#)
- [ICCA opposes binding global agreement for post-2020 framework](#)

- [GHS study highlights worldwide implementation gap](#)
- [Declaration of chemicals in products 'urgently needed'](#)
- [EDF: Ingredient disclosure rising in cleaning product, personal care sectors](#)
- [EU sets out actions to tackle hazardous substances in waste, products](#)

Further Information:

- [NGO letter](#)
- [Saicm](#)

US provides detail on systematic review of chloroform data

Public consultation ends 2 March

8 February 2018 / Chemical manufacturing, Halocarbons, Risk assessment, Solvents, United States



Further details of how the US EPA will use systematic review have emerged with the publication of the draft protocol for the assessment of chloroform.

Systematic review is a methodology for integrating multiple data sources, typically scientific studies, to answer specific research questions. The EPA previously indicated its intention to [use the methodology](#) for assessments conducted under its IRIS (Integrated Risk Information System) programme.

And it was a key reform cited by IRIS officials at a National Academy of Sciences [hearing](#) on the programme.

Chloroform is a chlorinated substance, widely used in industry and research as a chemical intermediate and solvent.

The EPA addressed the risks associated with use of chloroform in an assessment published in 1987. Since then, further data has become available, including a reference dose based on liver effects in dogs and mode of action (MOA) analysis indicating carcinogenicity under certain conditions.

The IRIS team for the new assessment expect to address no more than 30 studies, based on the a preliminary review of the literature. They also expect to focus on adverse effects on:

- the nasal cavity;
- nervous system;
- liver and kidney;

- immune system; and
- reproduction and development.

The aim is to determine a new reference concentration (RfC) that could replace the existing inhalation unit risk from 1987.

The team discussed specific needs with EPA programme and regional offices with an interest in the assessment. The Office of Land and Emergency Management (OLEM), the Office of Air and Radiation (OAR) and Region 4 all expressed a need for an inhalation reference value for chloroform. The protocol states that the MOA analysis will be used to determine whether the RfC is protective with respect to cancer, and if the IUR should be removed or updated.

The EPA has launched a 30-day public consultation period for the draft protocol, ending on 2 March.



Andrew Turley

Risk management editor

Related Articles

- [Systematic review: US EPA adopts concept for IRIS](#)
- [Hearing on US EPA's IRIS programme becomes policy battleground](#)

Further Information:

- [Federal register notification](#)
- [Draft protocol](#)

Echa round-up

8 February 2018 / Europe, Nanomaterials, Personal care, REACH, Substance registration

Update to pre-registered REACH substance list numbers

Echa said it has noticed some pre-registered REACH substances have both an Elincs number and a list number assigned to them.

Elincs refers to the European List of Notified Chemical Substances.

The agency says it plans to simplify this situation by updating the list numbers of all affected pre-registrations to refer to the Elincs number of the notified substance. Doing this will make the corresponding list numbers obsolete.

The update will not affect the legal status of substances. Echa said it would inform anyone affected by letter.

Cosmetics nanomaterials feature in nano observatory

In its European Union Observatory for Nanomaterials (EUON), Echa has published a table linking substances in the EU Commission's catalogue of all nanomaterials used in cosmetic products to their registration data in Echa's chemicals database.

The catalogue was first published in July 2017 and is regularly updated. It lists the nanomaterials in the European Commission's catalogue, with their EC and CAS numbers, and links them to their registration data in Echa's database.

EUON is a public website aimed at increasing transparency of information on nanomaterials on the EU market.

Case studies to help REACH registrants

Echa has published three case studies to help users with their registrations.

The studies cover:

- how to decide whether a substance is a polymer or not and how to proceed with the relevant registration;
- how to gather information to register an inorganic mono-constituent substance (including the chemical safety assessment); and
- how to gather information to register a multi-constituent or a UVCB substance – toxicological information.

The case studies are available in 23 EU languages and are designed to complement the support given in Echa's Practical Guide for SME managers and REACH coordinators.

Proposed restrictions consultation – tattoo inks, perfluorocarboxylic acids and salts

The agency is seeking early comments on all aspects of its proposed restriction of tattoo inks; in particular, on its workability, impact on availability of colours and alternatives for restricted pigments.

Comments received by 16 February will be taken into account in the next meetings of the Committees for Risk Assessment (Rac) and Socio-Economic Analysis (Seac).

The agency is likewise inviting early comments by the same date on its proposed restriction of perfluorocarboxylic acids, their salts and related substances, to allow discussion at the same meetings.

The final deadline for comments on both is 20 June.

Current testing proposals webpage updates

Echa has updated its webpage that lists the substances and hazard endpoints for which it is currently inviting third parties to submit scientifically valid information and studies.

It is seeking information on the following substances:

- 2,4,6,8,10-pentamethylcyclopentasiloxane;
- 2-(4-fluorophenyl)-5-(5-iodo-2-methylbenzyl)thiophene;
- [[[phosphonomethyl]imino]bis[hexamethylenenitrilobis(methylene)]]tetrakisphosphonic acid;
- amines, polyethylenepoly-, tetraethylenepentamine fraction;

- ashes (residues), plant;
- biphenyl;
- ditetradecyl peroxydicarbonate;
- everzol red CDN crude;
- octadecanoic acid, sulfonated, potassium salt;
- polysulfides, di-tert-dodecyl;
- potassium salts of {hexane-1,6-diylbis[nitrilobis(methylene)]}tetrakisphosphonic acid (4-7:1); and
- reaction products of pentaerythritol, propoxylated and 1-chloro-2,3-epoxypropane with hydrogen sulfide.

The agency requires comments to be submitted by 19 March.

Webinar: how substances are shortlisted and screened

Echa has produced a webinar explaining the screening process, its timelines, and the criteria for shortlisting. It also covered how updating dossiers can influence manual screening and where to get more information on common screening, the agency said.

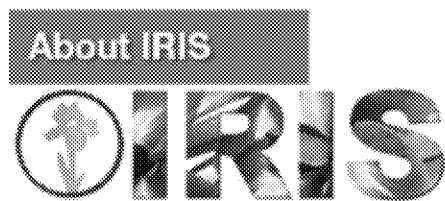
Further Information:

- [EC and list numbers](#)
- [Catalogue of cosmetic ingredients](#)
- [REACH registration case studies](#)
- [Submitted restrictions](#)
- [Current testing proposals](#)
- [Webinar recording](#)

Hearing on US EPA's IRIS programme becomes policy battleground

NGO warns research agenda could be co-opted by regulatory officials

8 February 2018 / TSCA, United States



A two-day meeting called to review reforms of the US EPA's Integrated Risk Information System (IRIS) programme became a battleground in an ongoing war over how the agency conducts chemical research and who will control it.

The meeting which began on 1 February, was convened by the National Academy of Sciences (NAS) as a follow up to its 2014 review of IRIS's response to a report critical of the programme.

IRIS assessments often underpin regulatory action by the EPA and other agencies. Industry has been arguing for many years about their scientific validity and the transparency with which they are conducted. Congressional Republicans have also called for the reform or elimination of the programme, most recently at a September hearing.

IRIS Program Director Kristina Thayer and Tina Bahadori, director of the National Center for Environmental Assessment, which oversees IRIS, said the programme has been hit hard by the attrition that is widespread at the EPA. Its staff is down to around 30, and the efficiency directives of President Trump's appointee Administrator Scott Pruitt have limited the use of consultants.

In November, the Senate Appropriations Committee released a proposal that would eliminate IRIS and move some its functions to the Office of Chemical Safety and Pollution Prevention (OCSPP), the office that oversees TSCA implementation. Such a move would potentially give control of chemical research directly to political appointees who run the agency's regulatory agenda.

Even if that does not happen, the evaluation process being developed for TSCA could end up competing with, or replacing, IRIS review, Jennifer Sass, senior scientist at the Natural Resources Defense Council (NRDC), told the NAS panel.

"We are very concerned that this is a parallel process," she said, one that "has not been open for stakeholder input, has not been vetted by peer review".

The American Chemistry Council (ACC) fired back after the hearing, issuing a statement raising "serious concerns about the direction and substance of many of the comments" made by the EPA and many public commenters throughout the workshop. IRIS's problems, it added, are not new or related to inadequate resources.

"We trust the professionals on the NAS committee will adhere to the scope of this review and produce a full and fair scientific assessment of whether the EPA has made any substantive or procedural changes to the IRIS programme," the ACC said. "The value of the IRIS and its future within EPA should be left to Congress and EPA leadership to determine."

'The value of the IRIS and its future within EPA should be left to Congress and EPA leadership to determine,' the ACC.

In her presentation at the hearing, Suzanne Hartigan, senior director of regulatory and public affairs at the ACC, said IRIS has not done enough to adopt standardised, transparent practices.

Reforms outlined

Most of the hearing was devoted to IRIS staff making the opposite argument, outlining changes designed to improve its administration and strengthen its scientific approach. They said the most important change has been implementing "systematic review" principles for the integration of multiple data sources, a key NAS recommendation.

In lengthy discussions of how IRIS decides which studies to weight most highly, EPA staff said this has to be dictated by their relative strength and the purpose of the assessment. "We want to avoid perceptions of picking winners and losers," said David Bussard, director of the NCEA's Washington division. "We give weight dictated by the information in front of us."

'We want to avoid perceptions of picking winners and losers. We give weight dictated by the information in front of us,' David Bussard, NCEA.

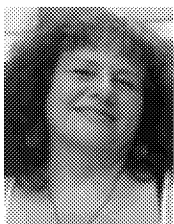
IRIS [proposed protocols](#) in November for assessments of chloroform, ethylbenzene and the 'nitrates and nitrites' group of substances, the first new studies to incorporate systematic review processes. The EPA published [further details](#) on the chloroform protocol on 31 January.

The IRIS officials also discussed plans for evaluations of mercury, manganese, and PFAS compounds.

However, the most eagerly awaited IRIS product is probably its revised assessment of formaldehyde. The NAS slammed the original in 2011 and has been the focus of relentless industry [criticism](#).

The formaldehyde report "will be a really good example of how we have really addressed and taken to heart the committee's" recommendations, Dr Bahadori said.

Dr Bahadori also presented the underpinnings of IRIS' recent refusal to revise its assessment of the pesticide chloroprene. EPA's denial of a manufacturer's petition is based on a systematic review that looked at research published since the assessment was completed in 2010.



Julie A Miller

North American Desk Editor

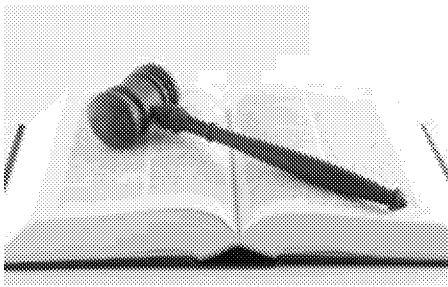
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- [US Senate spending bill would eliminate IRIS programme](#)
- [Systematic review: US EPA adopts concept for IRIS](#)
- [US provides detail on systematic review of chloroform data](#)
- [Partisan debate over IRIS continues in US](#)

Second major setback for EPA in fluoride lawsuit under TSCA

Court rebuffs attempt to limit scope in review of citizen petition

8 February 2018 / Legal cases, TSCA, United States



A federal judge has handed the US EPA its second defeat, in a lawsuit that could end up setting precedent for how the judiciary handles citizen petitions for chemical regulation under TSCA.

The [lawsuit](#), brought by a group of NGOs demanding the EPA ban the addition of fluoride to drinking water, asks the court to examine the EPA's dismissal of their petition.

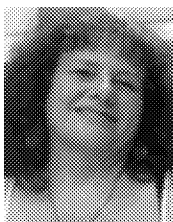
The latest ruling rebuffed the agency's demand to limit the scope of the court's review to information originally presented to it in administrative proceedings. The decision allows plaintiffs to offer a broad range of evidence to bolster their case, and to demand that the EPA provide additional information, things it argued they should not be allowed to do.

"The text of the TSCA, its structure, its purpose, and the legislative history make clear that Congress did not intend to impose such a limitation in judicial review of Section 21 citizen petitions," the California court ruled on 7 February.

In an [earlier ruling](#), the court rejected both the EPA's request to dismiss the case and its contention that citizen petitions must address all potential conditions of use, rather than demanding action against one use of a chemical.

The administrative action underlying the case is the EPA's February 2017 [denial of a petition](#) by organisations campaigning against fluoridation of drinking water. The agency argued that other uses must be addressed as well as disputing the scientific evidence of neurotoxicity that the NGOs presented.

The fluoride suit may also have implications for a [separate legal action](#) challenging the EPA's implementation of TSCA's risk evaluation mandates.



Julie A Miller

North American Desk Editor

Related Articles

- [EPA: Courts should limit scope when reviewing citizen petitions under TSCA](#)
- [Court allows fluoridation case, rebuking US EPA's TSCA interpretation](#)
- [US EPA rejects petition calling for TSCA section 6 rulemaking](#)
- [NGOs take EPA to court over TSCA framework rules](#)

Iccvam makes 'significant progress' on implementation plans for NAMs

Plans linked to strategic roadmap

8 February 2018 / Test methods, United States



The US Interagency Coordinating Committee on the Validation of Alternative Methods (Iccvam) has made "significant progress" with implementation plans for its [strategic roadmap](#) for new approaches to evaluating the safety of chemicals and medical products, according to one of the senior figures involved.

Published in January, the roadmap describes a "top-down" approach to developing new approach methodologies (NAMs) with the help of Iccvam's 16 federal agencies. It describes Iccvam working groups developing detailed implementation plans for three roadmap goals:

- to connect end-users with test developers;
- to see stakeholders and federal agencies working together to establish confidence in NAMs; and
- to encourage federal agencies and regulated industries to use new methods and approaches.

"The most critical aspect of the new testing paradigm is to understand the specific testing needs of each [federal agency](#), which is far more complex than it may appear", said Warren Casey, director of Niceatm, the inter-agency body providing scientific and operational support to the committee.

Iccvam is currently working on implementation plans for: acute systemic toxicity; eye and skin irritation; and skin sensitisation.

The plans:

- define testing needs;
- identify available alternative tests and computer models;
- describe a plan to develop integrated approaches to testing and assessment and defined approaches for interpreting data; and
- outline a plan to address both scientific and non-scientific challenges, including regulatory ones.

"Significant progress has already been made for acute systemic toxicity and skin sensitisation," said Dr Casey, who anticipates that some US agencies could accept alternative tests for skin sensitisation by 2019.

Iccvam has also set up working groups for read across, *in vitro* to *in vivo* extrapolation (Ivive) and developmental toxicity, and is in the process of setting up a working group for ecological toxicology.

"The roadmap really reflects how things are currently being done, or the direction we are currently moving in, as opposed to an 'aspirational vision'," said Dr Casey. "This is a very pragmatic document that reflects the reality and challenges of implementing change in a regulated environment."

Related Articles

- [US shakes up alternative test development](#)
- [US federal agencies to lead NAMs development, according to lccvam roadmap](#)

Further Information:

- [Implementation plans](#)

Australia's industrial chemicals law facing delay

Government currently considering its options

9 February 2018 / Australia



Australia's new industrial chemicals law may have to be delayed as other legislative priorities mean the bill is awaiting a Senate hearing.

A spokeswoman for the Federal Department of Health told Chemical Watch that the government is "currently considering options" which include delaying commencement of the legislation from the proposed 1 July start.

The six bills associated with the Australia's Industrial Chemicals Law are currently awaiting scheduling in the Senate with a number of amendments tabled. A Senate hearing was expected before the end of 2017.

The proposed [law](#) was introduced into the country's House of Representatives last June. It would establish a new, more "streamlined" legal framework for the regulation of industrial chemicals and replace the existing chemical agency Nicnas with a new body, the Australian Industrial Chemicals Introduction Scheme (AICIS).

Nick Zovko, regulatory policy manager at industry body Chemistry Australia, told Chemical Watch that because of the parliamentary delay his organisation has "indicated to the government that a start date of 1 July 2019 is now preferred to enable industry adequate time to transition to the new requirements."

However, for new rules on polymers of low concern, Chemistry Australia is advocating an "immediate introduction" after the bills are passed.

The release of the draft of detailed secondary rules on the legislation has also been delayed. This was expected in late January, however the latest information is that the "timing of the release" of the rules will be announced later in February.

A health department spokesperson told Chemical Watch that these secondary rules will be posted to the website "shortly".



Sunny Lee

Asia editor

Related Articles

- [Bill transforming Australia's regulatory framework enters parliament](#)
- [Australian draft secondary legislation on new chemical law expected soon](#)

Further Information:

- [Industrial Chemicals Bill parliamentary page](#)
- [Announcement on delegated rules](#)

Scotland announces microbeads ban

9 February 2018 / Microplastics, Personal care, United Kingdom

The Scottish government is to prohibit the use of microbeads in the manufacture of rinse-off personal care products and the sale of such products from 19 June.

It follows an [announcement](#) of a similar ban by the Welsh government last month.

In January, the UK government [implemented](#) the first phase of its prohibition, which applies to the manufacture of such items. Its second will prohibit their sale from the end of June.

Elsewhere in Europe, Sweden has [announced](#) similar measures, which take effect from 1 July.

Related Articles

- [Wales to ban microbeads from June](#)
- [UK microbeads ban enters into force](#)
- [Sweden adopts microbeads ban in rinse-off cosmetics](#)

Further Information:

- [Draft legal text](#)

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[Final EPA **toxic chemical** rule proposes \\$20 million in annual fees to manufacturers](#)

The Hill

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[Firefighters absorb **toxic chemicals** through their skin](#)

2BR

A new study has found that firefighters are at a higher risk of developing cancer, by **ABSORBING** carcinogens through their skin. It's been researched by the University of Central Lancashire in Preston. Dr Anna Stec found that skin absorption was the leading cause of exposure to cancerous **toxins**, NOT ...

[5 Home Products that Are **Toxic** to the Environment](#)

BellaNaija

It is hard to imagine that some of the products you use at home are harmful to you and the environment. However, according to environmental experts the average household contains about 62 **toxic chemicals**. You see the tiny warning sign at the back of the product with the labels like "Warning!"

[Maine Voices: Product safety nominee has spent career defending manufacturers of dangerous items](#)

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